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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,939	10/10/2003	Frank S. Maggio	58368.105005	3891
20786	7590	06/19/2008		
KING & SPALDING LLP 1180 PEACHTREE STREET ATLANTA, GA 30309-3521			EXAMINER CHORNESKY, ADAM B	
			ART UNIT 3688	PAPER NUMBER
			MAIL DATE 06/19/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/683,939

**Applicant(s)**

MAGGIO, FRANK S.

**Examiner**

ADAM CHORNESKY

**Art Unit**

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-78 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-78 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date See Continuation Sheet  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/26/2006; 07/08/2005; 10/10/2003.

### DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-78 are pending.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-55, 57-64, 66-74, 77, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg (US 6850252 B1).

Claims 1, 11, 19, 29, 36, 45, 54, 63, and 73: Hoffberg discloses a remote control system and method for interacting with broadcast content, comprising:

a channel control transmitter operative to transmit a channel control signal to tune a broadcast receiver to a station channel upon which the broadcast content is presented;

Official Notice is taken that it is old and well known in the area of consumer broadcasting receivers for television receivers, including television and satellite cable boxes for these devices to include a remote control device for control of these items.

For example, television sets have been available for many decades to consumers with remote control devices that send either radio frequency (RF) or infrared

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(IR) or other frequency of light to the television in order to change channels or tune in to selected broadcasts.

In another example, cable and satellite television service providers issue control boxes to their customers that are equipped with remote control devices to change the channels of the cable box and with additional programming can also control other entertainment devices such as video cassette recorders (VCR's) and digital video disk (DVD) players and recorders.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hoffberg to include a remote control device (channel control transmitter) and a broadcast receiver (television set, or cable or satellite box) in order to provide a system and method for making use of the available broadcast media forms for improving an efficiency of matching commercial information to the desires and interests of a recipient, improving a cost effectiveness for advertisers, improving a perceived quality of commercial information received by recipients and increasing profits and reducing required information transmittal by publishers and media distribution entities (col. 126, lines 6-14);

a client transmitter operative to transmit a query, the query comprising a question about a selected portion of the broadcast content;

an interactive receiver that receives the query;

an output device that presents the received query to a recipient of the broadcast content;

an input device operative by the recipient to input a response to the query;

an interactive transmitter that transmits the response; and  
a client receiver that receives the transmitted response for subsequent processing of the response.

Official Notice is taken that it is old and well known in the area of consumer broadcasting receivers for network systems to include transmitters to convey data to and from client workstations and other client devices.

For example, commercial laptop computers have come equipped with wireless transceivers that can be used to connect to the internet through wireless hot spots for at least a decade.

In another example, wireless cell phones have internet access and users can use this connection to fill out forms from websites, or to answer questions regarding current television programming, such as "Deal or No Deal" or "American Idol", where viewers are invited to participate by either text messaging their response, or accessing the designated website and filling out and submitting a response form within a particular time period during the live broadcast.

In yet another example, wireless cell transceivers have for some time been used to connect laptop computers to the internet in any location where the required signal is broadcast.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hoffberg to include this live broadcast response system in order to provide a system and method for making use of the available broadcast media forms for improving an efficiency of matching commercial information

to the desires and interests of a recipient, improving a cost effectiveness for advertisers, improving a perceived quality of commercial information received by recipients and increasing profits and reducing required information transmittal by publishers and media distribution entities (col. 126, lines 6-14).

Claim 2: Hoffberg discloses all the elements of Claim 1 and further discloses wherein said device presents the query based on timing information that indicates a broadcast time of the broadcast content (col. 179, lines 64-67 through col. 180, lines 1-12 via accessing a video signal that contains time information, where the interface tunes the channel and captures time information, including programming schedules and other data).

Claim 3: Hoffberg discloses all the elements of Claim 1 and further discloses wherein the query is based on demographics of the recipient (col. 46, lines 59-61 via demographic data can be input by a viewer via a remote control, downloaded to a subscriber's converter from a remote headend, or programmed into the converter at installation).

Claim 4: Hoffberg discloses all the elements of Claim 1 and further discloses wherein said channel control transmitter automatically transmits the channel control signal in response to a synchronization signal indicating the station channel upon which the broadcast content will be presented (col. 49, lines 18-32 via a time allocation

controller that allocates time available in a particular advertising region in a display device of a remote computer between at least two advertisements as a function of one of a desired user frequency, a desired time frequency, or a desired geometry, for each of the at least two advertisements and data communication controller, coupled to the time allocation controller, that delivers the at least two advertisements to said remote computer for display in the advertising region according to the allocating of the time).

Claims 5 and 6: Hoffberg discloses all the elements of Claim 1 and further discloses wherein the broadcast content comprises an advertisement, and wherein the selected portion of the broadcast content comprises a selected portion of the advertisement (col. 47, lines 10-30 via for each advertisement viewed, the advertisers' bid amount would pay for a portion of the user's service or usage charge).

Claim 7: Hoffberg discloses all the elements of Claim 1, but does not disclose the invention further comprising:

a microphone that receives recipient voice from the recipient and communicates the recipient voice to said interactive transmitter, wherein said interactive transmitter transmits the recipient voice to said client receiver for communication to the client computer; and

a speaker;

wherein said client transmitter transmits sender voice from the client computer, and



wherein said interactive receiver receives the transmitted sender voice and communicates the sender voice via said speaker.

Official Notice is taken that it is old and well known in the area of communications to incorporate a microphone and speaker into a device for communication such as a telephone, headset and the like.

For example, cell phones have been in wide use for decades, and include a microphone and speaker. Devices such as the Palm Pilot also have infrared and RF communication ports that can be used to remotely monitor and control other devices.

In another example, the Blackberry, which is a pocket computer and cell phone also have speaker and microphone.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hoffberg to include a remote control device (channel control transmitter) and a broadcast receiver (television set, or cable or satellite box) in order to provide a system and method for making use of the available broadcast media forms for improving an efficiency of matching commercial information to the desires and interests of a recipient, improving a cost effectiveness for advertisers, improving a perceived quality of commercial information received by recipients and increasing profits and reducing required information transmittal by publishers and media distribution entities (col. 126, lines 6-14).

Claim 8: Hoffberg discloses all the elements of Claim 1 and further discloses wherein said output device comprises a display (col. 195, lines 35-63 via a remote control where the processor and display, if present, may provide added functionality by providing a local screen, which would be useful for programming feedback and remote control status).

Claim 9: Hoffberg discloses all the elements of Claim 1 and further discloses wherein said input device comprises a response keypad (col. 155, lines 50-61 via programming a VCR using an on-screen keypad and a remote control).

Claim 10: Hoffberg discloses all the elements of Claim 1 and further discloses the invention further comprising a client computer that communicates the query to the client transmitter and receives the response from the client receiver (col. 84, lines 7-23 via an infrared transceiver is mounted on the crush resistant casing and in electronic communication with the processor and memory module to provide for receipt and storage of executable applications, and receipt, storage, and transfer of digital information to other electronic devices).

Claim 12: Hoffberg discloses all the elements of Claim 11 and further discloses wherein said display presents the query based on timing information that indicates a broadcast time of the broadcast content (col. 179, lines 64-67 through col. 180, lines 1-12 via accessing a video signal that contains time information, where the interface tunes

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the channel and captures time information, including programming schedules and other data).

Claim 13: Hoffberg discloses all the elements of Claim 11 and further discloses wherein the query is based on demographics of the recipient (col. 46, lines 59-61 via demographic data can be input by a viewer via a remote control, downloaded to a subscriber's converter from a remote headend, or programmed into the converter at installation).

Claim 14: Hoffberg discloses all the elements of Claim 11 and further discloses wherein the broadcast content comprises an advertisement, and

wherein the selected portion of the broadcast content comprises a selected portion of the advertisement (col. 47, lines 10-30 via for each advertisement viewed, the advertisers' bid amount would pay for a portion of the user's service or usage charge).

Claim 15: Hoffberg discloses all the elements of Claim 11 and further discloses wherein the broadcast content comprises a plurality of advertisements, and

wherein the selected portion of the broadcast content comprises a selected portion of at least one of the advertisements (col. 47, lines 10-30 via for each advertisement viewed, the advertisers' bid amount would pay for a portion of the user's service or usage charge).

Claim 16: Hoffberg discloses all the elements of Claim 11 and further discloses the invention further comprising a client computer that communicates the query to the client transmitter and receives the response from the client receiver (col. 59, lines 59-67 through col. 60, lines 1-20 via transmission facilities for delivering a regularly scheduled television signal and a low power microwave transmitter or satellite transponder for delivering a special over-the-air television signal, including substitute programming, to cooperating households where these signals are stored on a program computer).

Claim 17: Hoffberg discloses all the elements of Claim 11 and further discloses the invention further comprising a channel control transmitter operative to transmit a channel control signal to tune a broadcast receiver to a station channel upon which the broadcast content is presented (col. 49, lines 18-32 via a time allocation controller that allocates time available in a particular advertising region in a display device of a remote computer between at least two advertisements as a function of one of a desired user frequency, a desired time frequency, or a desired geometry, for each of the at least two advertisements and data communication controller, coupled to the time allocation controller, that delivers the at least two advertisements to said remote computer for display in the advertising region according to the allocating of the time).

Claim 18: Hoffberg discloses all the elements of Claim 17 and further discloses wherein said channel control transmitter automatically transmits the channel control signal in response to a synchronization signal indicating the station channel upon which

the broadcast content will be presented (col. 49, lines 18-32 via a time allocation controller that allocates time available in a particular advertising region in a display device of a remote computer between at least two advertisements as a function of one of a desired user frequency, a desired time frequency, or a desired geometry, for each of the at least two advertisements and data communication controller, coupled to the time allocation controller, that delivers the at least two advertisements to said remote computer for display in the advertising region according to the allocating of the time).

Claim 20: Hoffberg discloses all the elements of Claim 19 and further discloses wherein said input device comprises a response keypad (col. 155, lines 50-61 via programming a VCR using an on-screen keypad and a remote control).

Claim 21: Hoffberg discloses all the elements of Claim 19 and further discloses the invention further comprising: a client transmitter operative to transmit a supplemental query from a client computer, the supplemental query comprising a question about a selected portion of the advertising content;

an interactive receiver that receives the supplemental query; and

an output device that presents the supplemental query to the recipient (col. 84, lines 7-23 via an infrared transceiver is mounted on the crush resistant casing and in electronic communication with the processor and memory module to provide for receipt and storage of executable applications, and receipt, storage, and transfer of digital information to other electronic devices).

Claim 22: Hoffberg discloses all the elements of Claim 21 and further discloses wherein said output device comprises a display (col. 195, lines 35-63 via a remote control where the processor and display, if present, may provide added functionality by providing a local screen, which would be useful for programming feedback and remote control status).

Claim 23. Hoffberg discloses all the elements of Claim 21, but does not disclose wherein the supplemental query comprises the primary query.

Official Notice is taken that it is old and well known in the area of information processing for consumers to request further information about products, services, promotional events, etc.

For example, while watching a program, a commercial appears about a new product to wax your car, which includes a website address. The consumer goes to his or her computer and enters the web address to obtain further information about the product, and possibly purchase the product online using an online order form and a credit card. It is also well know for one consumer to request information about more than one product from the same vendor or manufacturer.

In another example, the consumer hears an advertisement for a special event such as the Cherry Blossom Festival in downtown Washington, D.C. A website address is flashed on the screen, and the consumer types in the web address to get more information about the event, including the time window of the event, and its location.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hoffberg to include one or more queries in order to provide a system and method for making use of the available broadcast media forms for improving an efficiency of matching commercial information to the desires and interests of a recipient, improving a cost effectiveness for advertisers, improving a perceived quality of commercial information received by recipients and increasing profits and reducing required information transmittal by publishers and media distribution entities (col. 126, lines 6-14).

Claim 24: Hoffberg discloses all the elements of Claim 21 and further discloses wherein said output device comprises a display that presents the supplemental query based on timing information that indicates a broadcast time of the broadcast content (col. 179, lines 64-67 through col. 180, lines 1-12 via accessing a video signal that contains time information, where the interface tunes the channel and captures time information, including programming schedules and other data).

Claim 25: Hoffberg discloses all the elements of Claim 21 and further discloses wherein the supplemental query is based on demographics of the recipient (col. 46, lines 59-61 via demographic data can be input by a viewer via a remote control, downloaded to a subscriber's converter from a remote headend, or programmed into the converter at installation).

Claim 26: Hoffberg discloses all the elements of Claim 19 and further discloses wherein said channel control transmitter automatically transmits the channel control signal in response to a synchronization signal indicating the station channel upon which the broadcast content will be presented (col. 49, lines 18-32 via a time allocation controller that allocates time available in a particular advertising region in a display device of a remote computer between at least two advertisements as a function of one of a desired user frequency, a desired time frequency, or a desired geometry, for each of the at least two advertisements and data communication controller, coupled to the time allocation controller, that delivers the at least two advertisements to said remote computer for display in the advertising region according to the allocating of the time).

Claim 27: Hoffberg discloses all the elements of Claim 19 and further discloses wherein the broadcast content comprises an advertisement, and wherein the selected portion of the broadcast content comprises a selected portion of the advertisement (col. 47, lines 10-30 via for each advertisement viewed, the advertisers' bid amount would pay for a portion of the user's service or usage charge).

Claim 28: Hoffberg discloses all the elements of Claim 19 and further discloses wherein the broadcast content comprises a plurality of advertisements, and wherein the selected portion of the broadcast content comprises a selected portion of at least one of the advertisements (col. 47, lines 10-30 via for each



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advertisement viewed, the advertisers' bid amount would pay for a portion of the user's service or usage charge).

Claim 30: Hoffberg discloses all the elements of Claim 29 and further discloses the invention further comprising a data storage center wherein said Client computers communicate respective responses received from said plurality of remote controls to said data storage center,

wherein said data storage center determines whether the respective responses comprise a correct reply to the query, and

wherein said data storage center awards a prize to at least one of the plurality of recipients that inputs a response comprising a correct reply to the query (col. 40, lines 17-27 via video on demand where the practical systems raise numerous issues, including data storage formats, retrieval software, server hardware architecture, multitasking and buffering arrangements, physical communications channel, logical communications channel, receiver and decoder system, user interface, etc.)

Claim 31: Hoffberg discloses all the elements of Claim 29 and further discloses wherein said output device comprises a display that presents the query based on timing information indicating a broadcasting time of the broadcast content (col. 179, lines 64-67 through col. 180, lines 1-12 via accessing a video signal that contains time information, where the interface tunes the channel and captures time information, including programming schedules and other data).

Claim 32: Hoffberg discloses all the elements of Claim 29 and further discloses wherein said input device comprises a response keypad (col. 155, lines 50-61 via programming a VCR using an on-screen keypad and a remote control).

Claim 33: Hoffberg discloses all the elements of Claim 29 and further discloses wherein the query presented on a particular remote control of said plurality of remote controls is based on demographics of the particular recipient that is operating said particular remote control (col. 46, lines 59-61 via demographic data can be input by a viewer via a remote control, downloaded to a subscriber's converter from a remote headend, or programmed into the converter at installation).

Claim 34: Hoffberg discloses all the elements of Claim 29 and further discloses wherein the broadcast content comprises an advertisement, and

wherein the selected portion of the broadcast content comprises a selected portion of the advertisement (col. 47, lines 10-30 via for each advertisement viewed, the advertisers' bid amount would pay for a portion of the user's service or usage charge).

Claim 35: Hoffberg discloses all the elements of Claim 29 and further discloses wherein the broadcast content comprises a plurality of advertisements, and

wherein the selected portion of the broadcast content comprises a selected portion of at least one of the advertisements (col. 47, lines 10-30 via for each

advertisement viewed, the advertisers' bid amount would pay for a portion of the user's service or usage charge).

Claim 37: Hoffberg discloses all the elements of Claim 36 and further discloses wherein said step of communicating a query comprises the step of receiving a synchronization signal comprising a time of performing said broadcasting step, and wherein the query is communicated in said communicating a query step based on the synchronization signal (col. 49, lines 18-32 via a time allocation controller that allocates time available in a particular advertising region in a display device of a remote computer between at least two advertisements as a function of one of a desired user frequency, a desired time frequency, or a desired geometry, for each of the at least two advertisements and data communication controller, coupled to the time allocation controller, that delivers the at least two advertisements to said remote computer for display in the advertising region according to the allocating of the time).

Claim 38: Hoffberg discloses all the elements of Claim 36 and further discloses wherein said communicating a query step comprises:

transmitting the query from the client computer to the query-response device operated by the particular recipient; and

presenting the query on the query-response device .operated by the particular recipient (col. 84, lines 7-23 via an infrared transceiver is mounted on the crush resistant casing and in electronic communication with the processor and memory

module to provide for receipt and storage of executable applications, and receipt, storage, and transfer of digital information to other electronic devices).

Claim 39: Hoffberg discloses all the elements of Claim 38 and further discloses wherein said transmitting the query step comprises the step of receiving a synchronization signal comprising a time of performing said broadcasting step, and wherein the query is transmitted in said transmitting the query step based on the synchronization signal (col. 226, lines 62-67 through col. 227, lines 1-15 via the set-top box including compensation and /or masking components and synchronized with the intended output signature).

Claim 40: Hoffberg discloses all the elements of Claim 38 and further discloses wherein said presenting the query step comprises the step of receiving a synchronization signal comprising a time of performing said broadcasting step, and wherein the query is presented in said presenting the query step based on the synchronization signal (col. 49, lines 18-32 via a time allocation controller that allocates time available in a particular advertising region in a display device of a remote computer between at least two advertisements as a function of one of a desired user frequency, a desired time frequency, or a desired geometry, for each of the at least two advertisements and data communication controller, coupled to the time allocation controller, that delivers the at least two advertisements to said remote computer for display in the advertising region according to the allocating of the time).

Claim 41: Hoffberg discloses all the elements of Claim 36 and further discloses the invention further comprising the steps of:

determining whether the response comprises a correct reply to the query; and  
awarding a prize to a recipient that transmitted a response comprising a correct reply to the query (col. 61, lines 48-67 through col. 62, lines 1-9 via a plurality of remote receiving stations where one or more members of an audience can respond to a situation presented in the program by entering a response, and the prize-winning respondent can select a product from a listing and apply the value to the purchase price of the selected product).

Claim 42: Hoffberg discloses all the elements of Claim 36 and further discloses the invention further comprising the step of tuning, via the query-response device, a receiver to a station channel upon which the broadcast content is presented in said step of presenting broadcast content (col. 47, lines 31-61 via interactive advertising where the user can select which ad is seen but the complete ad is not presented until the user takes an affirmative action, and demographic data can be input by a viewer via a remote control).

Claim 43: Hoffberg discloses all the elements of Claim 36 and further discloses wherein the query is based on demographics of the particular recipient (col. 46, lines 59-61 via demographic data can be input by a viewer via a remote control, downloaded

to a subscriber's converter from a remote headend, or programmed into the converter at installation).

Claim 44: Hoffberg discloses all the elements of Claim 36 and further discloses wherein the broadcast network comprises at least one of cable, satellite, radio, and television (col. 227, lines 27-67 via the set top box may also incorporate a variety of telecommunications functions such as cable, satellite, or radio).

Claim 46: Hoffberg discloses all the elements of Claim 45 and further discloses the invention further comprising the steps of:

transmitting the particular recipient's response to the query from the interactive remote control to the client computer; and

communicating the response from the client computer to a data collection center (col. 40, lines 17-27 via video on demand where the practical systems raise numerous issues, including data storage formats, retrieval software, server hardware architecture, multitasking and buffering arrangements, physical communications channel, logical communications channel, receiver and decoder system, user interface, etc.).

Claim 47: Hoffberg discloses all the elements of Claim 46 and further discloses the invention further comprising the step of inputting the response into the interactive remote control (col. 155, lines 50-61 via programming a VCR using an on-screen keypad and a remote control).

Claim 48: Hoffberg discloses all the elements of Claim 46 and further discloses the invention further comprising the steps of:

determining whether the response comprises a correct reply to the query; and  
awarding a prize to one of the recipients that transmitted a response comprising a correct reply to the query (col. 61, lines 48-67 through col. 62, lines 1-9 via a plurality of remote receiving stations where one or more members of an audience can respond to a situation presented in the program by entering a response, and the prize-winning respondent can select a product from a listing and apply the value to the purchase price of the selected product).

Claims 49, 50, and 51: Hoffberg discloses all the elements of Claim 45 and further discloses wherein said step of communicating a query comprises the step of receiving a synchronization signal comprising a time of performing said broadcasting step, and

wherein the query is communicated in said communicating a query step based on the synchronization signal (col. 49, lines 18-32 via a time allocation controller that allocates time available in a particular advertising region in a display device of a remote computer between at least two advertisements as a function of one of a desired user frequency, a desired time frequency, or a desired geometry, for each of the at least two advertisements and data communication controller, coupled to the time allocation

controller, that delivers the at least two advertisements to said remote computer for display in the advertising region according to the allocating of the time).

Claim 52: Hoffberg discloses all the elements of Claim 45 and further discloses the invention further comprising the step of tuning, via the interactive remote control, a receiver to a station channel upon which the broadcast content is presented in said step of presenting broadcast content (col. 47, lines 31-61 via interactive advertising where the user can select which ad is seen but the complete ad is not presented until the user takes an affirmative action, and demographic data can be input by a viewer via a remote control).

Claim 53: Hoffberg discloses all the elements of Claim 45 and further discloses wherein the broadcast network comprises at least one of cable, satellite, radio, and television (col. 227, lines 27-67 via the set top box may also incorporate a variety of telecommunications functions such as cable, satellite, or radio).

Claim 55: Hoffberg discloses all the elements of Claim 54 and further discloses wherein the broadcast content comprises pre-selected content (col. 144, lines 48-56 via a system and method for making use of the available broadcast media forms for improving an efficiency of matching commercial information to the desires and interests of a recipient).



Claim 57: Hoffberg discloses all the elements of Claim 54 and further discloses said system further comprising a client receiver,

wherein said client transmitter further transmits a query about a selected portion of the broadcast content to said interactive receiver (col. 70, lines 63-67 through col. 71, lines 1-11 via a data access and retrieval system),

wherein said remote control further comprises:

a display that presents the received query (col. 3, lines 10-14 via a menu based remote control-contained display device);

a response keypad operative by a particular recipient of the plurality of recipients to input a response to the query (col. 155, lines 50-67 via an on-screen keypad with entry keys, minimizing the number of buttons on the remote control); and

an interactive transmitter that transmits the input response to said client receiver (col. 195, lines 35-49 via a remote control having an infrared transmitter and receiver, input keys, and a compatible trackball), and

wherein each response comprising a correct reply to the query verifies that the responding recipient has been exposed to at least the selected portion of the broadcast content (col. 59, lines 40-58 via a television and market research data collection system using a plurality of remote units).

Claim 58: Hoffberg discloses all the elements of Claim 57 and further discloses the invention further comprising a data storage center, wherein said data storage center receives the response,

wherein said data storage center determines whether the response comprises a correct reply to the query, and

wherein said data storage center awards a prize to at least one of the plurality of recipients that inputs a response comprising the correct reply to the query (col. 40, lines 17-27 via video on demand where the practical systems raise numerous issues, including data storage formats, retrieval software, server hardware architecture, multitasking and buffering arrangements, physical communications channel, logical communications channel, receiver and decoder system, user interface, etc.).

Claim 59: Hoffberg discloses all the elements of Claim 57 and further discloses wherein said display presents the query based on timing information (col. 179, lines 64-67 through col. 180, lines 1-12 via accessing a video signal that contains time information, where the interface tunes the channel and captures time information, including programming schedules and other data).

Claim 60: Hoffberg discloses all the elements of Claim 57 and further discloses wherein the query presented via said remote control is based on demographics of a particular recipient that is operating said remote control (col. 46, lines 59-61 via demographic data can be input by a viewer via a remote control, downloaded to a subscriber's converter from a remote headend, or programmed into the converter at installation).

Claims 61 and 62: Hoffberg discloses all the elements of Claim 57 and further discloses wherein the broadcast content comprises an advertisement, and

wherein the selected portion .of the broadcast content comprises a selected portion of the advertisement (col. 47, lines 10-30 via for each advertisement viewed, the advertisers' bid amount would pay for a portion of the user's service or usage charge).

Claim 64: Hoffberg discloses all the elements of Claim 63 and further discloses wherein the broadcast content comprises pre-selected content (col. 144, lines 48-56 via a system and method for making use of the available broadcast media forms for improving an efficiency of matching commercial information to the desires and interests of a recipient).

Claim 66: Hoffberg discloses all the elements of Claim 63 and further discloses the invention further comprising the steps of:

broadcasting the broadcast content to a plurality of recipients via a mass media broadcast network;

presenting the broadcast content to the recipients on the station channel;

communicating a query about a selected portion of the broadcast content to the client computer;

transmitting the query from the client computer to the remote control; presenting the query on the remote control; transmitting a response to the query from the remote control to the client computer; and

communicating the response from the client computer to a data collection center (col. 227, lines 48-67 through col. 228, lines 1-9 via a set top box that can record and manage broadcast streams and provide survey information as per Arbitron and Verance).

Claim 67: Hoffberg discloses all the elements of Claim 66 and further discloses the invention further comprising the step of inputting the response into the remote control (col. 47, lines 42-61 via demographic data can be input by a viewer via a remote control, downloaded to a subscriber's converter from a remote headend, or programmed into the converter at installation).

Claims 68 and 69. Hoffberg discloses all the elements of Claim 66 and further discloses wherein said communicating a query step comprises the step of receiving a synchronization signal comprising a time of performing said broadcasting step, and wherein the query is communicated in said communicating a query step based on the synchronization signal (col. 49, lines 18-32 via a time allocation controller that allocates time available in a particular advertising region in a display device of a remote computer between at least two advertisements as a function of one of a desired user frequency, a desired time frequency, or a desired geometry, for each of the at least two advertisements and data communication controller, coupled to the time allocation controller, that delivers the at least two advertisements to said remote computer for display in the advertising region according to the allocating of the time).

Claim 70: Hoffberg discloses all the elements of Claim 66 and further discloses wherein said presenting the query step comprises the step of receiving a synchronization signal comprising a time of performing said broadcasting step, and wherein the query is presented in said presenting the query step based on the synchronization signal (col. 49, lines 18-32 via a time allocation controller that allocates time available in a particular advertising region in a display device of a remote computer between at least two advertisements as a function of one of a desired user frequency, a desired time frequency, or a desired geometry, for each of the at least two advertisements and data communication controller, coupled to the time allocation controller, that delivers the at least two advertisements to said remote computer for display in the advertising region according to the allocating of the time)..

Claim 71: Hoffberg discloses all the elements of Claim 66 and further discloses the invention further comprising the steps of:

determining whether the response comprises a correct answer to the query; and awarding a prize to a recipient that transmitted a response comprising a correct reply to the query (col. 61, lines 48-67 through col. 62, lines 1-9 via a plurality of remote receiving stations where one or more members of an audience can respond to a situation presented in the program by entering a response, and the prize-winning respondent can select a product from a listing and apply the value to the purchase price of the selected product).

Claim 72: Hoffberg discloses all the elements of Claim 66 and further discloses wherein the broadcast network comprises at least one of cable, satellite, radio, and television (col. 227, lines 27-67 via the set top box may also incorporate a variety of telecommunications functions such as cable, satellite, or radio).

Claim 74: Hoffberg discloses all the elements of Claim 73 and further discloses the invention further comprising the steps of:

transmitting a confirmation query from the client computer to the detection device;

determining whether a particular recipient submitted a response to the confirmation query via the detection device; and

confirming exposure of the particular recipient to the broadcast content based on a determination that the particular recipient submitted a response to the confirmation query via the detection device (col. 47, lines 42-61 via demographic data can be input by a viewer via a remote control downloaded to a subscriber's converter from a remote headend, or programmed into the converter at installation).

Claim 77: Hoffberg discloses all the elements of Claim 75 and further discloses the invention further comprising the step of tuning, via the detection device, a receiver to a station channel upon which the content identification signal is presented (col. 47, lines 31-61 via interactive advertising where the user can select which ad is seen but the

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complete ad is not presented until the user takes an affirmative action, and demographic data can be input by a viewer via a remote control).

Claim 78: Hoffberg discloses all the elements of Claim 73 and further discloses wherein the broadcast network comprises at least one of cable, satellite, radio, and television (col. 227, lines 27-67 via the set top box may also incorporate a variety of telecommunications functions such as cable, satellite, or radio).

4. Claims 56 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg (US 6850252 B1) in view of Gropper (US 6883000 B1).

Claim 56: Hoffberg discloses all the elements of Claim 54, but does not disclose wherein the broadcast content comprises one of advertising and breaking news.

Gropper teaches in its abstract that a web browser or like program and associated communications software to establish a communications session with a remote server computer which accesses the stored contact and advertisement and news information of the card issuer associated with the Universal Contact Locator.

Therefore, from the teaching of Gropper it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intelligent electronic appliance system and method of Hoffberg to include the web browser program of Gropper in order to provide business card issuers and receivers with a more efficient, more cost effective, more accurate, and less manually intensive

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method for conveying and managing business and personal contact information as well as news and advertising information (col. 3, lines 40-45).

Claim 65: Hoffberg discloses all the elements of Claim 63, but does not disclose wherein the broadcast content comprises one of advertising and breaking news.

Gropper teaches in its abstract that a web browser or like program and associated communications software to establish a communications session with a remote server computer which accesses the stored contact and advertisement and news information of the card issuer associated with the Universal Contact Locator.

Therefore, from the teaching of Gropper it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intelligent electronic appliance system and method of Hoffberg to include the web browser program of Gropper in order to provide business card issuers and receivers with a more efficient, more cost effective, more accurate, and less manually intensive method for conveying and managing business and personal contact information as well as news and advertising information (col. 3, lines 40-45).

5. Claims 75 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg (US 6850252 B1) in view of Houghton (US 20020124247 A1).

Claim 75: Hoffberg discloses all the elements of Claim 74, but does not disclose the invention further comprising the steps of:



communicating an immersion verification query about a selected portion of the broadcast content;

inputting a response to the immersion verification query into the detection device;

transmitting the immersion verification query response from the detection device to the client computer; and

communicating the immersion verification query response from the client computer to the data collection center.

Houghton teaches in the abstract systems and techniques for polling interactive television viewers by preparing a set of polling requests, connecting to one or more set top systems of one or more interactive television viewers, sending the set of polling requests to the one or more set top systems of the one or more interactive television viewers.

Therefore, from the teaching of Houghton, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set top box for interacting with broadband media streams, with an adaptive user interface, content-based media processing and/or media metadata processing, and telecommunications integration of Hoffberg to include the systems and techniques for polling interactive television viewers of Houghton in order to accurately gauge an interactive television viewer's preference for one element relative to a second element (pg. 1, par. 6).

Claim 76: The combination of Hoffberg and Houghton discloses all the elements of Claim 75 and Hoffberg further discloses further comprising the steps of:

determining whether the immersion verification query response comprises a correct reply to the immersion verification query;

Official Notice is taken that it is old and well known in the area of testing for consumer understanding of advertising and programming content for users to be tested on these contents.

For example, many internet advertising promotions are sent to users asking them about certain advertisements or programs that are aired on television and radio, or printed in publications.

In another example, viewers of television programs are asked to participate via internet connection to surveys or multiple choice options using cellular telephones or computers having internet access.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hoffberg to include telephone or computer surveys of program content in order to provide a system and method for making use of the available broadcast media forms for improving an efficiency of matching commercial information to the desires and interests of a recipient, improving a cost effectiveness for advertisers, improving a perceived quality of commercial information received by recipients and increasing profits and reducing required information transmittal by publishers and media distribution entities (col. 126, lines 6-14); and

awarding a prize to a recipient that transmitted an immersion verification query response comprising a correct reply to the immersion verification query (col. 61, lines 48-67 through col. 62, lines 1-9 via a plurality of remote receiving stations where one or

more members of an audience can respond to a situation presented in the program by entering a response, and the prize-winning respondent can select a product from a listing and apply the value to the purchase price of the selected product).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes:

Van Horn et al. (US 7363246 B1) teaches a system and method for enhancing buyer and seller interaction during a group-buying sale.

Mikurak (US 7130807 B1) teaches technology sharing during demand and supply planning in a network-based supply chain environment.

Aarnio (US 7010500 B2) teaches a system and a method of providing on-line subscription services from a subscription server to a user of a mobile terminal.

Lin et al. (US 6801945 B2) teaches systems and methods for predicting traffic on internet sites.

Matheny et al. (US 6766524 B1) teaches a system and method for encouraging viewers to watch television programs.

Bauminger et al. (US 6681393 B1) teaches a viewer interaction feedback method and system for use with an interactive telecommunication system.

Leroy (US 5812642 A) teaches an audience response monitor and analysis system and method.

Wistendahl et al. (US 5708845 A) teaches a system for mapping hot spots in media content for interactive digital media program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM CHORNESKY whose telephone number is (571)270-5103. The examiner can normally be reached on Monday - Thursday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Myhre can be reached on 571-272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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A. Chornesky  
June 16, 2008

/James W Myhre/  
Supervisory Patent Examiner, Art Unit 3688